

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Tuesday, November 12, 2013 at 7:00 p.m.

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.

DATE POSTED: 11-07-2013

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

Edward Roderick-President

Denise M. deMedeiros-Vice President

James J. Arruda

Joan B. Chabot

William P. Gerlach

Jay J. Lambert

Brett N. Pelletier

3. APPROVAL OF CONSENT AGENDA

All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

- (C.A.) 1. a. Approval of Minutes Regular Council Meeting October 28, 2013
b. Approval of Executive Session Minutes October 28, 2013
c. Approval of Open Portion of Special Council Meeting Minutes November 4, 2013
c. Approval of Special Council Meeting Executive Session Minutes November 4, 2013

- (C.A.) 2. Receipt of Minutes from the Following Boards, Commissions
a. Art Council
b. Historic Preservation Advisory Board (2)
c. Wastewater Management

- (C.A.) 3. Correspondence – Receive and File
a. October Prevention Coalition News Letter

- (C.A.) 4. Approval of Tax Assessor Abatements

- (C.A.) 5. Denise Saurette, Treasurer – Distribution of Quarterly Budget Summary Report Submitted to State of RI Office of Municipal Finance

- (C.A.) 6. Kate Michaud Administrative Officer Report of Activities for October

- (C.A.) 7. Distribution of Town Administrator's October Monthly Report

A-8- OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

1. Public Hearing for Proposed Ordinance Amendment – Chapter 47 -Foreclosed and Vacant Properties
 - a. Town Solicitor’s Proposed Further Amendments for Presentation at Public Hearing – Continued from October 28, 2013 – For Vote – Public Portion Closed

C. TOWN COUNCIL SITTING AS BOARD OF LICENSING

NON ADVERTISED PUBLIC HEARINGS FOR LICENSE RENEWALS - SUBJECT TO MEETING LEGAL REQUIREMENTS (December 1, 2013 to November 30, 2014)

1. Approval of Entertainment Licenses

Atlantic Sports Pub, Inc., 70 Shove St.
Silva Brothers, Inc./Barcello Family Restaurant, 1214 Stafford Rd.
Bayview Holy Ghost Citizen’s Club, 66 Bottom St.
Benjamin’s Sports Pub, Inc., 4 Stafford Rd.
Kfoury Inc. /Brantal’s Rest./ Banquet Facility, 91-97 Crandall Rd.
Father Joseph Boehr / Knights of Columbus, 28 Fish Rd.
Everett Lane, Inc. / Family Ties Restaurant, 221 Main Rd.
Huejan, Inc. / Lil’ Bear Sports Lounge, 983 Main Rd.
Nonni’s Inc. / Nonni’s Kitchen - Pasta Shop, 1154 Stafford Rd.
Faithe J. Bortz / P.J’s Café, 301 State Ave.
Sandywoods Farm, Inc., 43 Muse Way
Senior Lifestyle /Sakonnet Bay LP, 1215 Main Rd.
Spring Restaurant, 118-120 Main Rd.
Susan’s Restaurant, Inc., 13 Crandall Rd.
Woodrow L. Silvia /VFW, 134 Shove St.

2. Tobacco Dealer’s Licenses Renewals

Amerada Hess Corp,(39211) 1308 Stafford Rd	Maxi Drug South / Rite Aid, 677 Main Rd.
Joshua Pavao d/b/a Cigarsmiths, 115 Stafford Rd.	RI Yogi RAJ / No. Tiverton News, 15 Main Rd.
CVS Pharmacy, 500 Main Rd.	Step by Step Mart, 429 Main Rd.
NIMRAJ d/b/a Crossroad Liquors, 1540 Bulgarmarsh Rd.	Smittom Inc / Stone Bridge Liquors, 2490 Main Rd.
East Lake Variety Inc, 750 East Rd.	Stogie’s Cigar Shop. 730 Main Rd.
SFS Corp d/b/a Elaine’s Country Store, 1204 Fish Rd.	Tiverton Convenience Store, 29 Stafford Rd.
Gray’s Ice Cream Inc, 16 East Rd.	CHANDNI Inc . / Tiverton Liquors, 65 Main Rd.

3. Victualling License Renewals

Amerada Hess Corp (39211), 1308 Stafford Rd	Soule Seabury Assoc., d/b/a Four Corners Grille, 3841 Main Rd.
Fu-Li Hua Corp., / Asian Gourmet, 1715 Stafford Rd.	Gray’s Ice Cream, Inc., 16 East Rd.
Atlantic Sports Pub, Inc., 70 Shove St.	Helger’s Ice Cream, 2490 Main Rd.
Silva Bros Inc., d/b/a Barcello’s Family Rest.,1214 Stafford Rd.	Joseph Daquay d/b/a Le Moulin Rouge, 1403 Main Rd.
Bayview Holy Ghost Citizens Club, 66 Bottom St.	HUEJAN INC., d/b/a Lil’ Bear Sports Lounge, 983 Main Rd.
Benjamin Sports Pub, Inc.,4 Stafford Rd.	Macray’s Seafood II Inc.,115 Stafford Rd.
Millie-Loo LLC d/b/a BISTRO 524, 520-524 Main Rd.	The Moose Café Inc., 1160 Stafford Rd.
Black Goose Co., d/b/a Black Goose Café, 2160 Main Rd.	Nonni’s Inc., d/b/a Nonni’s Kitchen & Pasta Shop, 1154 Stafford Rd.
Boat House Restaurant LLC, 227 Schooner Drive	Faithe J. Bortz, d/b/a P.J.’s Café, 301 State Ave.
Kfoury Inc., d/b/a Brantal’s Restaurant Banquet	Primrose Bakery,115 Stafford Rd.
& Catering Facility, 91-97 Crandall Rd.	Provender, Inc., 3883 Main Rd.
China Gourmet, 180 Main Rd	Maxi-Drup South d/b/a Rite Aid, 677 Main Road
China Sea Restaurant, 5-7 Main Rd.	RT 177 Flea Market Snack Bar, 1560 Bulgarmarsh Rd.
Classic Pizza, Inc., 492 Main Rd.	Sabitado’s Pizzeria, 1204 Fish Rd.
Coastal Nutrition Inc.,1723 Stafford Rd.	Senior Lifestyle Sakonnet Bay LP, 1215 Main Rd.
Lisa Machado, d/b/a Coastal Roasters LLC,1791 Main Rd.	All Fresh Donuts Corp. d/b/a Sip N Dip Donuts, 499 Main Rd.
Country Kitchen-Tiverton Convenience Point Inc., 31 Stafford Rd.	All Fresh Donuts Corp. d/b/a Sip N Dip Donuts, 2 Crandall Rd.
CVS #1086, 500 Main Rd.	Spring Restaurant, Inc., 118-120 Main Rd.
Artemida, LLC d/b/a Dunkin Donuts, 496 Main Rd.	Kass Sandwich Shop Corp. d/b/a Subway of Tiverton, 1289 Stafford Rd.
Themie, LLC d/b/a Dunkin Donuts, 1735 Stafford Rd.	Susan’s Restaurant Inc.,(Wally’s) 13 Crandall Rd.
East Lake Variety Inc., 750 East Rd.	V.F.W. Woodrow L. Silvia Post Home Association, Inc.,
Elaine’s Country Store, 1204 Fish Rd	No. 5392, 134 Shove St.
Evelyn’s Nanaquaket Drive-In, Inc., 2335 Main Rd.	Tom’s Market of Tiverton, Inc., 492 Main Rd.
Everett Lane Inc. d/b/a Family Ties Restaurant, 221 Main Rd.	
Famous Pizza, 433 Main Rd.	
Father Joseph Boehr Columbian Club, Inc., 28 Fish Rd.	

4. Holiday License Renewals

Aquidneck Fasteners, Inc., 36 Aquidneck Dr.
Bridgeport Seafood Market, 2117 Main Rd.
Cigarsmiths, 115 Stafford Rd.
Coastal Computers, 438 Main Rd.
The Cottage at Four Corners, 3847 Main Rd.
Country Auto Sales & Service, Inc., 1230 Stafford Rd.
Courtyards LTD, 3980 Main Rd.
Crows Nest farm, 467 East Rd.
Cumberland Farms, Inc., #1121, 1860 Main Rd.
CVS Pharmacy Inc., 1086, 500 Main Rd.
Don's Marine Sales & Service, Inc., 2503 Main Rd.
East Lake Variety Inc., 750 East Rd.
Eds Auto Repair, 126 Bear's Den Rd.
SFS Corp d/b/a Elaine's Country Store, 1204 Fish Rd.
Envy Gymnastics, Inc., 935 Main Road
Euro Gifts LLC d/b/a Fireworks Connection, 34 Main Rd.
General Auto Recycling, Inc., 384 King Rd.
Grays Ice Cream, Inc., 16 East Rd.
Hess Express #39211, 1308 Stafford Rd.
The Hose Connection, Inc., 25 Wm S Canning Blvd.
PD Humphrey Co. Inc., 590 Main Rd.
Alan J Lagasse d/b/a Lagasse Salvage Yard, Cory's Lane

Manchesters Tree & Landscaping, 2970 Main Rd.
Mello's Farm Stand/The Tasty Tomato, 1493 Bulgarmarsh Rd.
The Metal Works Corp., 3940 Main Rd.
Michael's Florist, 137 Main Rd.
Milk & Honey Bazaar, Inc., 3838 Main Rd.
M&R Feed store, Inc., 329 King Rd.
Natures! Prof. Nancy M. Swing, 1782 Main Rd.
RI Yogi Raj LLC d/b/a North Tiverton News, 15 Main Rd.
Phil's Propane, Inc., 477 Crandall Rd.
Maxi Drug South LP d/b/a Rite Aid, #10235, 677 Main Rd.
A. Latinville d/b/a Riverside Marine, 211 Riverside Drive
Sanford & Son LTD, 104 Cynthia Ave.
Silk Road Traders at Gallery 4, 3848 Main Rd.
Standish Boatyard Inc., 1697 Main Rd.
Step by Step Mart Inc., 429 Main Rd.
Tiverton Convenience Point d/b/a State Line Tobacco,
29 Stafford Rd.
DARC Inc. d/b/a Three Ducks Car Wash & Gas, 400 Main Rd.
Tiverton Auto Parts, 541 Bulgarmarsh Rd.
Tiverton Sun, 497 Main Rd.
Towne Motor Sales, 109 Main Rd.
Viti Inc., 975 Fish Rd.
William S. Sanford, Inc., 367 Bulgarmarsh Rd.

5. Street Excavator License Renewals

Spectra Energy Corp d/b/a Algonquin, 8 Wilson Way, Westwood, MA
Camara Excavating LLC, 520 Fish Rd
C.B. Utility Co, Inc., 99 Tupelo St., Bristol
East Coast Landscaping & Construction, 202 Chase Rd, Portsmouth RI
J & A Landscaping, 911 Bulgarmarsh Rd
J.L.C. Construction, 1 Pierce Ave., Marion, MA
L.A.L. Construction, 145 Fifteenth St, Fall River, MA
Narragansett Electric Co., 477 Dexter St., Providence, RI
S. Oliveira Construction Corp, 217 Stafford Rd
Roy Ferrell/Quality Island Const., 1246 Fish Road
Scott DaSilveira-Scotts Corp., 280 Market Street, Warren, RI
Chester R. Wilkie Jr, Excavating, 211 Long Highway, Little Compton, RI

6. Flea Market License Renewal – Tom Quелlette's Rte. 177 Flea Market, 1560 Bulgarmarsh Road

7. Mobile Home-Park License Renewals

Dadson Mobile Home Owners Assoc d/b/a Dadson Mobile Estates, 301 Bulgarmarsh Rd
Four Seasons Mobile Home Cooperative Assoc, 225 Brayton Rd
Heritage Home Park Cooperative Inc, 100 Heritage park
Pachet Brook Park Inc, 4502 Main Rd

8. Petroleum Storage License Renewals

Dennis Motta d/b/a Danny's Service Station, 99 Crandall Rd
Amerada Hess Corp, 1308 Stafford Rd (39211)
Ferrellgas Inc, 896 Fish Rd
Inland Fuel Terminals, 25 State Avenue
Phil's Bottled Gas Service, 477 Crandall Rd
SK Properties-Kingsfisher Housing Assoc, 40 Alicia Circle

Andrew E. Snider, 605 Neck Rd
DARC Inc-Three Duck's Gas & Car Wash, 400 Main Rd
Tiverton Marina d/b/a Standish Boatyard, 1697 Main Rd
Tiverton Sun, 497 Main Rd
Tiverton Police Dept, 20 Industrial Way
Tiverton Public Works, 50 Industrial Way

9. Fireworks License Renewals

Euro Gifts LLC/Firework Connection, 34 Main Road
North Tiverton News, 15 Main Road
NIMRAJ Inc/Crossroads Liquors, 1540 Bulgarmarsh Road
Tiverton Convenience Point Inc., 29 Stafford Road
Step by Step Mart, 429 Main Road
East Lake Variety, Inc., 750 East Lake Road
Elaine's Country Store, 1604 Fish Road

10. Antique License Renewal - Nancy Walker, d/b/a Artisan Antiques, 2423 Main Road
 - a. Recommendation by Code Enforcement Gareth Eames
 - b. Notice of Violation
11. Manufactured Home Elderly Community License Renewal – Councilor Roderick Recused
 - a. Planning Board Recommendation
 - b. Building/Zoning Official Recommendation

NON ADVERTISED PUBLIC HEARING FOR NEW LICENSES –Subject To Meeting All Legal Requirements

12. Syed Hassan Afzaal d/b/a A1 Petroleum, 861 Main Road – Requesting Approval of New Licenses
 - a. Tobacco
 - b. Petroleum Storage
 - c. Holiday License

D - APPOINTMENTS & RESIGNATIONS:

1. Scheduling of Municipal Court Judge Appointment November 12, 2013
 - a. Request for Re-appointment by Attorney James A. Donnelly, Jr.
 - b. Request for Appointment by Robert H. Humphrey, Esquire

E - UNFINISHED BUSINESS:

F – FINANCIAL BUSINESS:

G - NEW BUSINESS:

1. Councilor Roderick – Scheduling of Budget Workshop With Departments and Discussion of Five Year Capital Plan
2. Councilor Roderick - Discussion and Vote on Process for Hiring of Town Administrator
3. Councilor deMedeiros – Flood Plain Management
 - a. Gareth Eames–Distribution of Biggert-Waters Flood Insurance Reform Act of 2012
 - b. Gareth Eames–Distribution of Insurance Journal Article on Delay of Flood Insurance Premium Hikes
 - c. Distribution of Chart from RI Department of Business Regulation Regarding Biggert-Waters Flood Insurance Reform Act of 2012

H – BIDS AND REQUESTS FOR PROPOSALS

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

1. Request Approval of Submission to DEM for Soccer Complex Grant

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

1. O'Dell et al v. Town of Tiverton – Release of Documents
2. McLaughlin v. Tiverton Zoning Board - Appeal to Supreme Court
 - a. Motion to Dismiss Appeal
 - b. Memorandum in Support of Motion to Dismiss Appeal
3. Tiverton v. James and Melissa Pelletier – Appeal to Supreme Court
 - a. Solicitor's Correspondence to Judge Melanie Wilk Thunberg
4. Update on Sakonnet River Bridge Tolls Lawsuit
5. Draft Ordinance and Regulations on Creation of Four Corners Historic District
 - a. Historic District Ordinance for Public Hearing
 - b. Edited Copy of Advisory Board Proposal
 - c. Rules of Procedure
 - d. Application Package

L- TOWN CLERK ITEMS AND ANNOUNCEMENTS

1. Agenda for Joint Meeting With Planning Board on Form Base Code and Discussion of Quarry Licenses on Tuesday, November 19th
2. Approval of 2014 Meeting Schedule

5. CLOSED EXECUTIVE SESSION

1. Town Solicitor – 42-46-5(a)(2) – Litigation - Lawsuit: Fireman’s Fund Insurance Company v. Joseph Fiorenzano v. Gareth T. Eames
2. Town Administrator – 42-46-5(a)(5) - Acquisition of Real Property for Public Purposes – Stone Bridge Gas Station
3. Town Solicitor – 42-46-5(a)(2) - Litigation – Sandywoods Homes, Inc. et. al. v David Robert in His Capacity of Tax Assessor for Town of Tiverton
4. Town Solicitor - 42-46-5(a)(4) – Investigation – Maintenance Foreman

A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended

6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”